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Via Facsimile: (571) 273-6232

November 16, 2007

Ms. Berbadine Abdi
Secretary
Trademark Trial and Appeal Board
United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Re: RL
Applicant: Honda Motor Co., Ltd.
Application No.: 78/514,746

Our Ref.: 10691.0122002

Dear Ms. Abdi:

This will confirm my oral advice of yesterday afternoon.

On October 4, 2007, you advised us that oral argument before the Board was scheduled for November 20, 2007 at 10:00 A.M.

Our client has directed us to petition to cancel Registration No. 2,912,328, which is the Registration the Trademark Examiner had cited as precluding our client's registration. I enclose a copy of the Petition for Cancellation (minus Exhibits) which we are mailing today.

Because Applicant is initiating and will be involved in a Board *inter partes* proceeding that may be dispositive of the principal issue involved in the present appeal (whether Registration No. 2,912,328 is a bar to registration of Application No. 78/514,746 – if Petitioner is successful, Registration 2,912,328 will be cancelled and, therefore, no longer an obstacle to Application No. 78/514,746), Applicant/Petitioner will, either later today or Monday, request suspension of the present appeal pursuant to TBMP § 1213(1).

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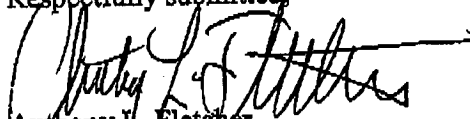
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Ms. Berbadine Abdi
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In order to avoid unnecessary preparation by members of the Board or the Trademark Examiner, we are notifying you now that we will be seeking a suspension of this Appeal before the time scheduled for oral argument.

Respectfully submitted,



Anthony L. Fletcher
Attorney for Applicant

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Date November 16, 2007

To Ms. Bernadine Abdi, Secretary
Trademark Trial and Appeal Board
United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

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From Anthony L. Fletcher

Re **RL**
Applicant: Honda Motor Co., Ltd.
Application No.: 78/514,746

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Number of pages
including this page **7**

Message Please see enclosed.

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at 212 765-5070 to arrange for its return. Thank you.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 2,912,328
For the Mark **RL-CLASS**
Issued on December 21, 2004

HONDA MOTOR CO., LTD.,

Petitioner,

v.

DAIMLERCHRYSLER AG,

Respondent.

Cancellation No.

PETITION FOR CANCELLATION

Honda Motor Co., Ltd., a corporation duly organized and existing under the laws of Japan, and having an address of 1-1, 2-Chome, Minami-Aoyama, Minato-Ku, Tokyo, 107-8556, Japan, believes that it is and will be damaged by the continued registration of the mark **RL-CLASS** shown in the above-identified registration, and hereby petitions to cancel the same.

As grounds therefore, it is alleged that:

1. Honda Motor Co., Ltd., itself and through subsidiaries, affiliates and related companies (collectively, "Petitioner"), manufactures, markets and sells, among other products,

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

11/7/07

Date of Deposit

151

Signature

ANTHONY L. FLETCHER

Typed or Printed Name of Person Signing Certificate

automotive vehicles, including passenger automobiles, sport utility vehicle trucks ("SUVs"), pickup trucks, minivans, motorcycles and all terrain vehicles ("ATVs") throughout the world.

2. Petitioner uses and has used, since at least as early as December 31, 1995, and long prior to February 28, 2003, the mark **3.5RL** for its automobiles and structural parts thereof.

3. Petitioner owns U.S. Registration No. 2,281,336, issued September 28, 1999, for the mark **3.5RL** for automobiles and structural parts thereof in International Class 12. A copy of Petitioner's Certificate of Registration for U.S. Registration No. 2,281,336 is annexed hereto as Exhibit A.

4. U.S. Registration No. 2,281,336 is valid, subsisting and uncanceled. A copy of Petitioner's Notice of Acceptance under Section 8 of the Federal Trademark Act, 15 U.S.C. §1058, and Petitioner's Notice of Acknowledgment under Section 15 of the Federal Trademark Act, 15 U.S.C. §1065, for U.S. Registration No. 2,281,336 is annexed hereto as Exhibit B.

5. Within the unitary mark **3.5RL**, "3.5" is merely descriptive of a characteristic of the engine, while "RL" is arbitrary. Petitioner owns valuable goodwill in its **3.5RL** mark, the primary and dominant element of which is "RL".

6. Respondent, DaimlerChrysler AG ("Respondent"), filed U.S. Application Serial No. 76/539,718 on August 25, 2003 for the mark **RL-CLASS** for automobiles and their structural parts in International Class 12, toy automobiles among other toys and sporting goods in International Class 28, and repair and maintenance of motor vehicles in International Class 37. Respondent based this application on an intent to use the mark in U.S. commerce. Respondent also claimed a priority filing date of February 28, 2003, under Section 44(d) of the Federal Trademark Act, 15 U.S.C. §1126(d), based on its application to register the mark **RL-CLASS** in Germany, which it filed on February 28, 2003. Respondent's U.S. Application Serial No.

76/539,718 issued to registration on December 21, 2004 under U.S. Registration No. 2,912,328, a copy of which is annexed hereto as Exhibit C.

7. Within the unitary mark **RL-CLASS**, "RL" is arbitrary, while "-CLASS" is either descriptive or generic.

8. Respondent's **RL-CLASS** mark for automobiles and their structural parts so closely resembles Petitioner's previously used and registered **3.5RL** mark that, when applied to Respondent's automobiles and their structural parts, it is likely to suggest a false connection or association with Petitioner in violation of Section 2(a) of the Federal Trademark Act, 15 U.S.C. §1052(a), and is likely to cause confusion, to cause mistake and to deceive, with resulting injury to Petitioner, in violation of Section 2(d) of the Federal Trademark Act, 15 U.S.C. §1052(d).

9. Petitioner uses and/or has used the mark **RL** (without "3.5") for its automobiles and the structural parts thereof since at least as early as October 31, 2004.

10. Petitioner filed U.S. Application Serial No. 78/514,746 on November 10, 2004 for the mark **RL** for automobiles and structural parts thereof in International Class 12. A copy of Petitioner's Application Serial No. 78/514,746 is annexed hereto as Exhibit D.

11. The U.S. Patent and Trademark Examiner assigned to U.S. Application Serial No. 78/514,746 has refused to register the mark, alleging that the mark in U.S. Application Serial No. 78/514,746 so closely resembles the mark in Respondent's U.S. Registration No. 2,912,328 as to be likely to cause confusion, or to cause mistake or to deceive. A copy of the Examiner's final refusal to register U.S. Application Serial No. 78/514,746 is annexed hereto as Exhibit E.

12. Based upon the foregoing, the registration of the mark depicted in U.S. Registration No. 2,912,328, registered on December 21, 2004 on the Principal Register of the

United States Patent and Trademark Office, has and/or will cause injury and damage to
Petitioner.

WHEREFORE, Petitioner requests that U.S. Registration No. 2,912,328 for **RL-
CLASS** owned by Respondent be cancelled, and that this Petition for Cancellation be sustained
in favor of Petitioner.

Please charge Deposit Account 06-1050, Order No. 10691-0122002, for the filing fee for
this Petition for Cancellation, as well as for any other fees that may be due.

Dated: November 16, 2007

Respectfully submitted,

FISH & RICHARDSON P.C.

By: 151
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HONDA MOTOR CO., LTD.